

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

BONNIE GRICE, et al.,

Plaintiffs,

V.

**DOLGENCORP INC.,
d/b/a DOLLAR GENERAL,**

Defendant.

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CAUSE NO. 1:07-CV-183

OPINION AND ORDER

This case was removed to this Court from the Adams Superior Court by Defendant based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2.) Defendant's Notice of Removal, however, is inadequate.

In its Notice, Defendant states: “Defendant is informed that plaintiffs are residents and citizens of the State of Indiana.” (Notice of Removal ¶ 3.) However, “[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.”¹ *Yount v. Shashek*, 472 F. Supp. 2d 1057 n.1 (S.D. Ill. 2006) (citing *Am. ’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D.

¹ Moreover, the “residency” of Plaintiffs is meaningless for purposes of diversity jurisdiction, as “citizenship is what matters.” *Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332); *see* 28 U.S.C. § 1332. “For natural persons, state citizenship is determined by one’s domicile.” *Dausch v. Rykse*, 9 F.3d 1244, 1245 (7th Cir. 1993); *see also Am. ’s Best Inns, Inc.*, 980 F.2d at 1074 (“In federal law citizenship means domicile, not residence.”).

Ill. Jan. 21, 2003); *Multi-M Int'l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992).

Therefore, Defendant is ORDERED to supplement the record forthwith as to the citizenship of Plaintiffs.

SO ORDERED.

Enter for this 30th day of July, 2007.

/S/ Roger B. Cosbey

Roger B. Cosbey,
United States Magistrate Judge